

ORIGINAL

RECEIVED



0000017226

04

2005 MAY -4 P 4: 23

FENNEMORE CRAIG, P.C.  
A Professional Corporation  
Jay L. Shapiro (No. 014650)  
3003 North Central Avenue  
Suite 2600  
Phoenix, Arizona 85012  
Telephone (602) 916-5000

AZ CORP COMMISSION  
DOCUMENT CONTROL

Attorneys for Johnson Utilities Company

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF DIVERSIFIED  
WATER UTILITIES, INC. TO EXPAND ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO INCLUDE ALL OF  
SECTION 13, 14, 15, 23 AND THAT  
PORTION OF SECTION 16 EAST OF  
RAILROAD TRACKS ALL IN T3S, R8E,  
PINAL COUNTY, ARIZONA.

DOCKET NO. W-029859A-04-0844

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES COMPANY FOR  
AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER SERVICE.

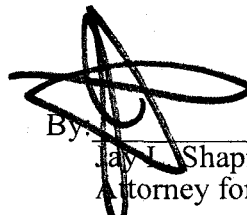
DOCKET NO. WS-02987A-04-0869

**NOTICE OF FILING ORIGINAL  
AFFIDAVITS TO MOTION TO  
CONTINUE**

Johnson Utilities Company herewith files original executed Affidavits, attached hereto as  
Exhibit 1, in support of its April 22, 2005, Motion to Continue the proceedings in the above-  
captioned matters.

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of May, 2005.

FENNEMORE CRAIG, P.C.


By   
Jay L. Shapiro  
Attorney for Johnson Utilities Company

Arizona Corporation Commission

**DOCKETED**

**MAY 04 2005**

DOCKETED BY



1 ORIGINAL +15 copies filed this 4th  
2 day of May, 2005:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY delivered this 4th day of May, 2005:

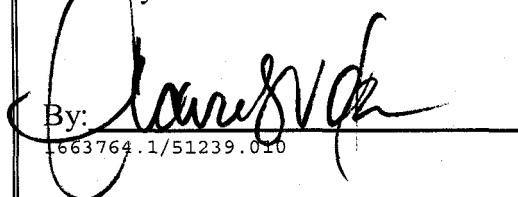
8 Dwight Nodes  
9 Assistant Chief Administrative Law Judge  
10 Arizona Corporation Commission  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Tim Sabo, Staff Attorney  
14 Legal Division  
15 Arizona Corporation Commission  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007

18 Jim Fisher  
19 Utilities Division  
20 Arizona Corporation Commission  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

23 COPY emailed and mailed this 4<sup>th</sup> day of May, 2005:

24 William P. Sullivan, Esq.  
25 David M. Lujan, Esq.  
26 Curtis, Goodwin, Sullivan, Udall & Schwab  
27 2712 N. 7<sup>th</sup> St.  
28 Phoenix, AZ 85006  
29 Attorneys for Diversified Water Utilities, Inc.

30 By:   
31 1663764.1/51239.010  
32  
33  
34  
35  
36

# **EXHIBIT**

# **1**

1 AFFIDAVIT

2 STATE OF ARIZONA        )  
3 County of MARICOPA    ) ss.  
4

5 Jeff Schneidman, being duly sworn, upon his oath, states:

6 1. I am a resident of Maricopa County, over 18 years of age and make this  
7 affidavit based on my own personal knowledge.

8 2. I am a manager of ABCDW, L.L.C. ("ABCDW") duly authorized to sign  
9 documents and enter into contracts on behalf of ABCDW.

10 3. ABCDW currently owns real property ("Property") located in approximately  
11 one-half of Section 23, Township 3 South, Range 8 East in Pinal County. The Property  
12 includes approximately one-half of parcel number 210-23-0014A. Although ABCDW's  
13 predecessor in interest previously submitted a request to Johnson Utilities Company  
14 ("JUC") for the extension of water facilities to serve the Property, this request has been  
15 withdrawn because ABCDW has postponed plans to develop the Property at this time.

16 4. ABCDW also has an option to purchase approximately one-half of parcel  
17 number 210-13-001A5 located in Section 13, Township 3 South, Range 8 East ("Optional  
18 Property") from Wolfkin Farms.

19 5. I am aware that both JUC and Diversified Water Utilities, Inc. have filed  
20 competing applications with the Arizona Corporation Commission to include the Property  
21 and Optional Property within their respective Certificate of Convenience and Necessity in  
22 Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869.

23 6. ABCDW supports having these proceedings stayed at this time until a plan of  
24 development for the Property exists.  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Jeff Schneidman  
Jeff Schneidman

ABCDW, L.L.C.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this  
21ST day of April, 2005, by JEFF SCHNEIDMAN

Janelle C Davis  
Notary Public

My Commission Expires:

11.30.2007



JANELLE C. DAVIS  
Notary Public - Arizona  
Maricopa County  
Expires 11/30/07

[illegible]

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
20  
21  
22  
23  
24  
25  
26

5

6  
7

89

10  
11  
12  
13

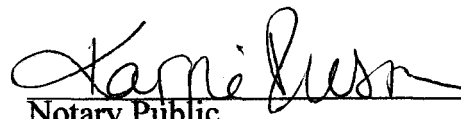
14  
15  
16  
17  
18  
19

20

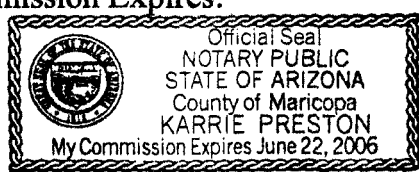
21

22  
23  
24  
25  
26

1 SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this  
2 21 day of April, 2005, by Daryl Wolfswinkel.

3  
4   
5 Notary Public

6 My Commission Expires:



9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

3

5

6  
78  
9

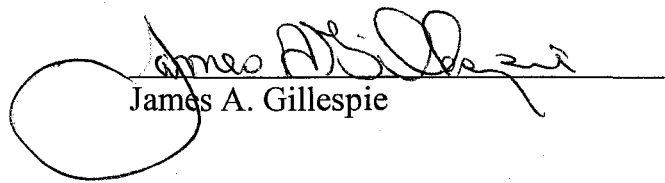
0  
1  
2  
3  
4

15  
16  
17  
18  
19

20  
21  
22  
23  
24

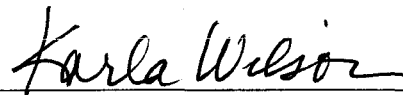


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

  
James A. Gillespie

Gillespie Properties, Inc.

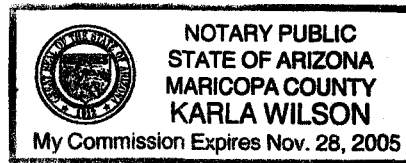
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this  
21<sup>st</sup> day of April, 2005, by James A. Gillespie



Notary Public

My Commission Expires:

11-28-05



**AFFIDAVIT**

STATE OF ARIZONA        }  
County of \_MARICOPA    } ss.

Kathleen Holderbach, being duly sworn, upon his oath, states:

1. I am a resident of Maricopa County, over 18 years of age and make this affidavit based on my own personal knowledge.

2. I am the Manager of Vintage Farms, Inc. ("Vintage Farms") duly authorized to sign documents and enter into contracts on behalf of Vintage Farms.

3. Vintage Farms currently owns real property ("Property") located in Sections 15 and 16, Township 3 South, Range 8 East in Pinal County. The Property includes parcel numbers 210-15-00409, 210-15-00201 and 210-16-00100. Vintage Farms has no current plans to develop the Property at this time and we have not requested that anyone extend water utility service to the property.

4. I am aware that Diversified Water Utilities, Inc. ("Diversified") has filed an application with the Arizona Corporation Commission to include the Property within its Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869, although there is no need for water service at this time.

5. Vintage Farms has previously explored options with different utility providers, including Diversified, about the future extension of water facilities to serve the Property. However, Vintage Farms concluded that Diversified did not have the technical, managerial or financial capacity to warrant further consideration as a potential water service provider for the Property.

1 Kathleen Holderbach  
2 Kathleen Holderbach

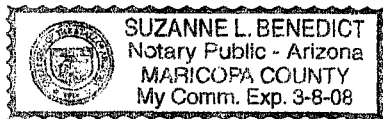
3  
4 Vintage Farms, Inc.

5 SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this  
6 20<sup>th</sup> day of April, 2005, by Kathleen Holderbach  
7 ~~3~~

8 Suzanne L. Benedict  
9 Notary Public

10 My Commission Expires:

11  
12 3/8/08  
13



1 AFFIDAVIT

2 STATE OF ARIZONA }  
3 County of MARICOPA } ss.  
4

5 Kathy Aleman, being duly sworn, upon her oath, states:

6 1. I am a resident of Maricopa County, over 18 years of age and make this  
7 affidavit based on my own personal knowledge.


8 2. I am a member of Wolfkin Farms, G.P. and Wolfcor, LLC ("Wolfkin &  
9 Wolfcor") duly authorized to sign documents and enter into contracts on behalf of  
10 Wolfkin & Wolfcor.

11 3. Wolfcor currently owns real property located in approximately one-half of  
12 Section 23, Township 3 South, Range 8 East in Pinal County; one-half of parcel number  
13 210-23-0014A, and Wolfkin in Section 13, Township 3 South, Range 8 East, parcel  
14 number 210-13-001A5 (collectively "Properties"). Although Wolfkin & Wolfcor  
15 previously submitted a request to Johnson Utilities Company ("JUC") for the extension of  
16 water facilities to serve the Properties, this request has been withdrawn because Wolfkin  
17 & Wolfcor have postponed plans to develop the Properties at this time.

18 4. I am aware that both JUC and Diversified Water Utilities, Inc. have filed  
19 competing applications with the Arizona Corporation Commission to include the  
20 Properties within their respective Certificate of Convenience and Necessity in Docket  
21 Nos. W-02859A-04-0844 and WS-02987A-04-0869.

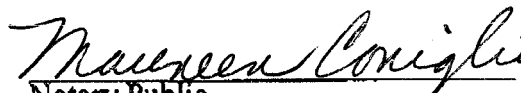
22 5. Wolfkin and Wolfcor supports having these proceedings stayed at this time  
23 until a plan for development of the Properties exists.  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

  
Kathy Aleman

Wolfskin Farms  
Wolfcor, L.L.C.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this  
26<sup>th</sup> day of April, 2005, by KATHY ALEMAN.

  
Notary Public

My Commission Expires:

7/19/07

